

STATE OF COLORADO }

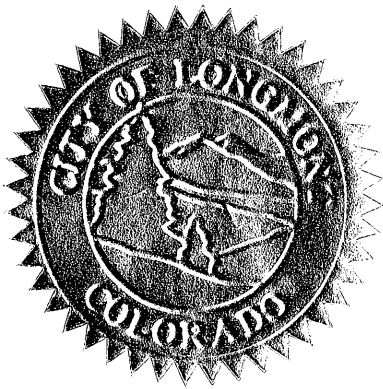
COUNTY OF BOULDER } ss.

CITY OF LONGMONT }


I, Valeria L. Skitt, City Clerk, hereby certify that the following attached document is a true and correct copy of the original which is on file in the City Clerk's Office at 350 Kimbark Street, Longmont, Colorado:

ORDINANCE O-2012-25

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 15.04, 15.05, 15.07, 15.10 AND APPENDIX B OF TITLE 15 OF THE LONGMONT MUNICIPAL CODE REGARDING OIL AND GAS WELL OPERATIONS AND FACILITIES



CITY OF LONGMONT, COLORADO


Valeria L. Skitt
City Clerk

Date: July 24, 2012

ORDINANCE O-2012-25

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 15.04, 15.05, 15.07, 15.10 AND
APPENDIX B OF TITLE 15 OF THE LONGMONT MUNICIPAL CODE REGARDING OIL
AND GAS WELL OPERATIONS AND FACILITIES

WHEREAS domestic oil and gas exploration have increased in proximity to residential areas in and about Longmont, Colorado.

WHEREAS the City of Longmont desires to protect its municipality and its citizens from the risks associated from industrial activities which might negatively impact residential and commercial property values, the wellbeing and health of its citizens, the peace and tranquility of its neighborhoods and schools, and the overall environment and quality of life within Longmont.

WHEREAS, the proposed amendments to the City's 12-year old oil and gas regulations are intended to allow and encourage responsible oil and gas development, to insure adequate review of proposed oil and gas facilities within the City's jurisdiction, and to provide adequate protection to the City's citizens and resources to the extent allowed by law.

WHEREAS, the City has undertaken an exhaustive process to create its updated regulations. Starting in the fall of 2011, City Council, staff and retained experts have held numerous study sessions, public meetings, open houses, and informational discussions with many stakeholder groups, including: Longmont citizens, the Colorado Oil and Gas Association ("COGA"), representatives of several oil and gas operators who operate wells in Longmont or may do so in the near future, staff from the COGCC, and others.

WHEREAS, the initial draft of these regulations was presented to the public and other stakeholders in February 2012. Revisions have been made to the initial draft based upon written or verbal comments received by staff and the City Council. Many hundreds of hours of staff and Council time have been dedicated to this project, which reflects the City's best effort to exercise its powers within the confines of its constitutional and statutory authority to do so.

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

In this Ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

1
2 Section 2

3 The Council repeals and replaces § 15.04.020(B)(32) of the Longmont Municipal Code to
4 read as follows:

5
6 32. Oil and Gas Operations and Facilities.

7
8 a. Purpose Statement.

9 i. The purpose of this section is to facilitate the exploration and production
10 of oil and gas resources within the City in a responsible manner. The City has a
11 recognized, traditional authority and responsibility to regulate land use within its
12 jurisdiction and to provide for the orderly development and protection of the community.
13 These regulations are intended as an exercise of this land use authority and the police
14 power.

15 ii. These regulations are enacted to preserve the rights and privileges of both
16 surface and mineral estate owners and lessors, while ensuring the health, safety, and
17 general welfare of the present and future residents of Longmont and surrounding areas
18 and the preservation and protection of wildlife and the environment. The City's goal is to
19 work cooperatively with oil and gas applicants and operators, affected individuals, groups
20 or institutions, the Colorado Oil and Gas Conservation Commission, and other municipal,
21 county, state and federal agencies and interested parties to ensure that potential land use
22 and environmental conflicts are adequately addressed and mitigated.

23
24 b. Authority. This section is adopted pursuant to C.R.S.A § 31-15-401, Colorado
25 Constitution Article XX, § 6 and C.R.S. §§ 29-20-11 et seq., 34-60-101 et seq., and 30-28-101 et
26 seq. These standards are not intended to supersede state or federal laws, regulations, or rules
27 pertaining to oil and gas development, but rather are meant to supplement those requirements
28 where appropriate and to address areas of regulation where none has been heretofore established
29 by the state or federal governments

30
31 c. Applicability.

1 i. All oil and gas well operations and facilities within the City are subject to
2 the requirements of this section. In the event that the provisions of this section conflict
3 with any other provisions of the code, this section shall supercede as it applies to oil and
4 gas well operations and facilities.

5 ii. City oil and gas well permits issued pursuant to this section shall
6 encompass within its authorization the right of the operator, its agents, employees,
7 subcontractors, independent contractors, or any other person to perform that work
8 reasonably necessary to conduct the activities authorized by the permit, subject to all
9 other applicable City regulations and requirements.

10 iii. City oil and gas well permits may be issued for sites within the City
11 excluding oil and gas well surface operations and facilities in residential zoning districts.
12 For purposes of this section, residential zoning shall include residential and mixed use
13 planned unit development (PUD) districts and mixed use (MU) zoning districts that
14 include existing or planned residential uses. Any proposed oil and gas well location not
15 complying with the requirements of this subsection, may apply for an operational conflict
16 special exception according to the procedures in this section. Oil and gas waste disposal
17 facilities, including injection wells for disposal of oil and gas exploration and production
18 wastes, commercial disposal facilities, centralized E&P waste management facilities, and
19 subsurface disposal facilities are classified as heavy industrial uses and are limited to
20 applicable industrial zoning districts.

21
22 d. Exceptions.

23 i. Oil and gas well facilities that are in existence on the effective date of this
24 subsection or that are located within territory which thereafter is annexed to the City may
25 continue operating without the issuance of a City oil and gas well permit. A City oil and
26 gas well permit is required for any such grandfathered well prior to any of the following:
27 oil and gas well location expansion, new wells on the well site, and operations including
28 completing, recompleting, hydraulic fracturing, sidetracking, or twinning of a well.
29 Existing oil and gas well and production facilities shall not be considered nonconforming
30 in terms of setback requirements where development has encroached within the required
31 setbacks. The right to operate oil and gas well facilities terminates if the use thereof is

1 discontinued for six months or more, other than by temporary abandonment or shut-in
2 which is in conformance with COGCC rules.

3 ii. Accessory equipment and pumping systems that are in existence on the
4 effective date of this subsection or are located within territory which thereafter is annexed
5 to the City may continue operating without the issuance of a City oil and gas well permit.
6 Any renovation or repair of nonconforming accessory equipment or pumping systems
7 shall be permitted without a City oil and gas well permit, provided the work does not
8 increase the degree of nonconformity. Any replacement of existing accessory equipment
9 or any addition of accessory equipment shall conform to this section subject to the
10 applicable review process in this section. The replacement or addition of individual tanks,
11 treaters, or separators shall not require the remaining accessory equipment in an oil and
12 gas well location to conform to the development standards in this section.

13
14 e. Prohibitions.

15 The following oil and gas facilities are prohibited within the City of Longmont.

16 i. Temporary housing at an oil and gas well location, including trailers,
17 recreational vehicles, and similar temporary structures.

18
19 f. Definitions.

20 For the purposes of these oil and gas well regulations only, term definitions are
21 included at the end of this section.

22
23 g. General Provisions.

24 i. Application Process.

25
26 (a) Applications subject to administrative review. The following are
27 subject to administrative review:

28 (1) Oil and gas well operations and facilities that comply with
29 all minimum and recommended standards in this section are subject to
30 limited use site plan review.

1 (2) Seismic survey operations are subject to administrative
2 review, except that seismic survey operations on City owned property may
3 be subject to City Council approval.

4 (3) Pipelines that cross public property are subject to a work in
5 right-of-way permit review.

6 (b) Applications subject to public hearing review. The following are
7 subject to public hearing review:

8 (1) Oil and gas well operations and facilities that meet
9 minimum standard requirements and some or none of the recommended
10 standards listed in this section are subject to conditional use site plan
11 review.

12 (2) The following oil and gas facilities are subject to
13 conditional use site plan review:

14 (i) Injection wells for disposal of oil and gas
15 exploration and production wastes;

16 (ii) Commercial disposal facilities;

17 (iii) Centralized E&P waste management facilities;

18 (iv) Subsurface disposal facilities;

19 (v) Other oil and gas facilities permitted by COGCC
20 and not described above;

21 (3) Variances and operational conflicts special exceptions.

22
23 h. Submittal Requirements.

24 Applications for a limited use or conditional use site plan for oil and gas well
25 operations and facilities under this subsection shall contain all relevant information
26 required for limited use and conditional use site plan applications contained in Appendix
27 B of this development code and the specific information for oil and gas well operations
28 and facilities contained in Table 8 in Appendix B of this development code.
29

1 i. Issuance of oil and gas well permit for unsubdivided property. A City oil and gas
2 well permit may be granted on unsubdivided property without requiring the property to be
3 subdivided.

4
5 j. Notice and procedures.

6 i. Limited use review. Applications for limited use review of oil and gas
7 well operations and facilities are subject to the notice requirements of Section
8 15.02.040(H) and the minor application procedures requirements of Section 15.02.080.

9 ii. Conditional use review. Applications for conditional use review of oil and
10 gas well operations and facilities are subject to the notice requirements of Section
11 15.02.040(H) and the major application procedure requirements of Section 15.02.050.

12
13 k. Review Criteria.

14 i. Limited use review. Applications for limited use review are subject to the
15 limited use and site plan review criteria in Sections 15.02.090(E)(3) and 15.02.090(F)(5)
16 respectively, in addition to the development standard compliance criteria listed below.

17 ii. Conditional use review. Applications for conditional use review are
18 subject to the conditional use and site plan review criteria in Sections 15.02.060(D)(2)
19 and 15.02.090(F)(5), respectively, in addition to the development standard compliance
20 criteria listed below.

21
22 l. Compliance with development standards.

23 i. Applications for limited use review shall comply with all standards,
24 including recommended standards in this section.

25 ii. Applications for conditional use review shall comply with the minimum
26 standards in this section, unless a variance or special exception is granted by the decision
27 making body, as well as conditions of approval specified in the conditional use
28 agreement.

29
30 m. Variances and Operational Conflicts Special Exceptions.

31 i. Variance requests.

1 (a) Variance requests to the standards of this section may be requested
2 by the applicant. All applications where a variance is requested shall be processed
3 in accordance with the standards and procedures outlined in section
4 15.02.060(F)(6) for variances.

5 (b) Requests for variances may include, but not be limited to, one or
6 more of the following factors:

- 7 (1) Topographic characteristics of the site;
- 8 (2) Duration of use of the facility;
- 9 (3) Proximity of occupied structures to the facility;
- 10 (4) Ownership status of adjacent and/or affected land;
- 11 (5) Construction of adequate infrastructure to serve the project;

12 and

- 13 (6) Planned replacement and/or upgrading of facility
14 equipment.

15 (c) If the decision making body finds, based upon competent evidence
16 in the record, that compliance with the regulations of this division is impractical, a
17 variance may be granted by the decision making body permanently or for a period
18 of defined duration.

19 ii. Operational conflicts special exception.

20 (a) Special exceptions to the standards of this section may be granted
21 where the actual application of requirements of this section conflicts in operation
22 with the requirements of the Oil and Gas Conservation Act or implementing
23 regulations.

24 (b) All applications where a special exception due to operational
25 conflicts is requested shall be processed as a public hearing and reviewed in a
26 noticed public hearing by the decision making body acting in a quasi-judicial
27 capacity.

28 (c) The applicant shall have the burden of pleading and proving an
29 actual, material, irreconcilable operational conflict between the requirements of
30 this section and the State's interest in oil and gas development in the context of a
31 specific application.

1 (d) For purposes of this section, an operational conflict exists where
2 actual application of a City condition of approval or regulation conflicts in
3 operation with the state statutory or regulatory scheme, and such conflict would
4 materially impede or destroy the State's interest in fostering the responsible,
5 balanced development and production and utilization of the natural resources of
6 oil and gas in the State of Colorado in a manner consistent with protection of
7 public health, safety, and welfare, including protection of the environment and
8 wildlife resources, and no possible construction of the regulation in question
9 could be found that would harmonize it with the state regulatory scheme.

10 (e) Additional City requirements in areas regulated by the COGCC,
11 which fall within City land use and police powers and which are necessary to
12 protect the public health, safety and welfare under the facts of the specific
13 application presented, and which do not impose unreasonable burdens on the
14 applicant and which do not materially impede the state's goals, shall be presumed
15 not to present an operational conflict.

16 (f) If the decision making body finds, based upon competent evidence
17 in the record, that compliance with the requirements of this section shall result in
18 an operational conflict with the state statutory and regulatory scheme, a special
19 exception to this section may be granted, in whole or in part, but only to the extent
20 necessary to remedy the operational conflict.

21 (g) The decision making body may condition the approval of a special
22 exception as necessary to protect the public health, safety and welfare by
23 mitigating any adverse impacts arising from the grant of approval. Any such
24 condition shall be designed and enforced so that the condition itself does not
25 conflict with the requirements of the COGCC.

26 (h) A final decision by the City on the exception request is subject to
27 judicial review pursuant to Rule 106(a)4 of the Colorado rules of civil procedure.

28
29 n. Third Party Technical Review.

30 i. Upon determination that the application is complete, the City may require
31 that the application materials, including requests for minor modifications, variances, and

operational conflicts special exceptions, be submitted to a technical consultant deemed by the City to be appropriate and necessary to complete the review.

ii. Reasonable costs associated with such review shall be paid by the applicant.

o. Sales and Use Tax License Requirement.

i. Operators shall obtain and maintain a City sales and use tax license prior to commencing operations.

ii. Operators must conform to applicable provisions of Chapter 6.04 of the Longmont Municipal Code related to licensing.

p. Building Permit Requirement.

The operator shall obtain building permits prior to the construction of any above ground structures to the extent required by the City building and fire codes then in effect.

q. Approval Period.

Approval of limited use or conditional use applications for oil and gas well operations and facilities are valid for two years from the date of approval until the start of the operation, unless the decision making body grants a longer approval period.

r. Extensions.

Requests for extensions to the approval period for oil and gas well operations and facilities shall be reviewed according to the procedures outlined in Section 15.02.040(O).

s. Issuance of Oil and Gas Well Permit. The following items are required by the City prior to issuance of a City oil and gas well permit:

i. Approval of a limited use site plan or conditional use site plan, as applicable.

ii. Satisfaction of any conditions of approval of the above applications prior to commencement of operations.

iii. Copies of:

(a) Applicable executed agreements,

- (b) Applicable transportation related permits,
 - (c) A City sales and use tax license,
 - (d) Required liability insurance, and
 - (e) All necessary state or federal permits issued for the oil and gas well operation and facilities.
- iv. Financial securities, or payment of fees, as applicable.

t. Right to Enter / Inspections.

i. Right to Enter - For the purpose of implementing and enforcing this section, duly authorized City personnel or contractors may enter onto subject property upon notification of the permittee, lessee or other party holding a legal interest in the property. If entry is denied, the City shall have the authority to discontinue application processing, revoke City approved permits and applications, or to obtain an order from a court of competent jurisdiction to obtain entry.

ii. Operator contact - The applicant shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed City inspection under this Section or in case of emergency. Any permitted oil and gas operations and facilities may be inspected by the City at any time, to ensure compliance with the requirements of the City approved permit, provided that at least one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an approved City oil and gas well permit, the applicant grants consent to such inspections. The cost of any City inspection deemed reasonable and necessary to implement or enforce the regulations for the applicant shall be borne by the applicant, provided such inspections and fees are not in conflict with COGCC inspections and rules.

u. Enforcement and Penalties.

i. Oil and gas operators working without or not in compliance with a City oil and gas well permit.

1 Any operator engaging in oil and gas well operations who does not obtain a City
2 oil and gas well permit pursuant to these regulations, who does not comply with City oil
3 and gas well permit requirements, or who acts outside the jurisdiction of the City oil and
4 gas well permit may be enjoined by the City from engaging in such oil and gas well
5 operations and may be subject to such other penalties or civil liability as may be
6 prescribed by law. If the City prevails in whole or part in any action, the operator shall
7 pay all reasonable attorney fees and expert costs incurred by the City.

8 ii. Suspension of City oil and gas well permit.

9 If the City determines at any time that there is a violation of the conditions of the
10 City oil and gas well permit or that there are material changes in an oil and gas operation
11 or facility as approved by the permit, the development services manager or designee may,
12 for good cause, temporarily suspend the City oil and gas well permit. In such case, upon
13 oral or written notification by the development services manager or designee, the
14 operator shall cease operations immediately. The development services manager or
15 designee shall forthwith provide the operator with written notice of the violation or
16 identification of the changed condition(s). The operator shall have a maximum of fifteen
17 (15) days to correct the violation. If the violation is not timely corrected, the permit may
18 be further suspended pending a revocation hearing. The operator may request an
19 immediate hearing before the Planning and Zoning Commission regarding the
20 suspension. The Planning and Zoning Commission shall hold the hearing within ten (10)
21 days of the operator's written request.

22 iii. Revocation of City oil and gas well permit.

23 The Planning and Zoning Commission may, following notice and hearing, revoke
24 a City oil and gas well permit granted pursuant to these regulations if any of the activities
25 conducted by the operator violate the conditions of the City oil and gas well permit or
26 these regulations, or constitute material changes in the oil and gas operation approved by
27 the City. No less than fourteen (14) days prior to the revocation hearing, the City shall
28 provide written notice to the permit holder setting forth the violation or the material
29 changes and the time and date for the revocation hearing. Notice of the revocation
30 hearing shall be published in a newspaper of general circulation not less than five(5) days
31 prior to the hearing. Following the hearing, the City may revoke the oil and gas permit or

1 may specify a time by which action shall be taken to correct any violations of the oil and
2 gas permit to avoid revocation.

3 iv. Transfer of permits.

4 A City oil and gas well permit may be transferred only with the written consent of
5 the City. The City shall not unreasonably withhold its consent, but shall ensure, in
6 approving any transfer, that the proposed transferee can and will comply with all the
7 requirements, terms, and conditions contained in the City oil and gas well permit and
8 these regulations, that such requirements, terms, and conditions remain sufficient to
9 protect the health, welfare, and safety of the public, and the environment; and that an
10 adequate guaranty of financial security related to the City approved permit can be timely
11 made.

12 v. Judicial review.

13 A final decision by the City on a City oil and gas well permit is subject to judicial
14 review pursuant to Rule 106(a)(4) of the Colorado rules of civil procedure.

15
16 v. General Development Standards.

17 The following sections provide minimum and/or recommended standards that will
18 apply to any oil & gas well operations and production facilities, and shall be in addition
19 to any applicable state and federal standards. Use of consolidated well pads and
20 directional and horizontal drilling when and where appropriate, closed loop (“pitless”)
21 systems, appropriate water quality monitoring systems, and other techniques, including
22 current and available best management practices, are intended to protect the integrity of
23 the surface estate and subsurface resources and ensure the health, safety, and general
24 welfare of the present and future residents of Longmont and surrounding areas and the
25 preservation and protection of wildlife and the environment.

26 i. Compliance with State and Federal Regulations, Rules, Orders and
27 Conditions.

28 In addition to the provisions contained in these regulations, oil and gas
29 operations and facilities within the City of Longmont shall comply with all
30 applicable state and federal regulations, rules, orders and conditions.

31 ii. Multi Well Sites and Directional/Horizontal Drilling.

1 Oil and gas well operations and facilities will be consolidated on multi
2 well sites and directional and horizontal drilling techniques will be used whenever
3 possible and appropriate. In determining appropriateness, the benefits of
4 consolidation and the use of directional and horizontal drilling, such as drilling
5 from outside of a prohibited zoning district, minimizing surface disturbance and
6 traffic impacts and increasing setbacks, will be weighed against the potential
7 impacts of consolidated drilling and production activities on surrounding
8 properties, wildlife and the environment.

9 iii. Well Facilities Siting.

10 Oil and gas well facilities and operations shall be located and designed to
11 minimize impacts on surrounding uses, including residential areas, schools,
12 medical facilities, churches, day care and retirement centers, and other places of
13 public assembly, and natural features such as distinctive land forms, vegetation,
14 river or stream crossings, ridgelines and vistas, City-owned and City-designated
15 open space areas, and other designated landmarks to the maximum extent
16 practical. Efforts shall be made to avoid adversely impacting the well spacing
17 requirements of the COGCC or the ability of the oil and gas well operator to
18 develop the resource. Facilities should be located at the base of slopes where
19 possible and access roads should be aligned to follow existing grades and
20 minimize cuts and fills.

21 iv. Cultural Resources.

22 Applications for all oil and gas well facilities and operations may require a
23 cultural resources report, as determined by the City. The report, if required, will
24 be prepared by a qualified professional, and meet state of Colorado requirements,
25 including a complete written description and identification of the cultural
26 resources on the site and within the surrounding area of the proposed oil and gas
27 well facility and will include mitigation measures, if necessary, to ensure that
28 appropriate actions are taken to avoid or minimize negative impacts to the
29 maximum extent practical.

30 v. Drainage.

1 Oil and gas well operations and facilities shall comply with applicable
2 City drainage requirements and standards.

3 vi. Hazard Areas.

4 Oil and gas well operations and facilities in hazard areas, including
5 floodplains and man-made (e.g., airport) conditions, and in other areas where such
6 operations would constitute a hazard to public health and safety or to property
7 should be avoided. Land should not be developed for oil and gas well facilities
8 and operations until hazards have been identified and avoided, removed, or until
9 the applicant can show that the impact of the hazard(s) can be mitigated to the
10 maximum extent practical. All well facilities and operations conducted within a
11 floodplain shall comply with title 20 of the Longmont Municipal Code pertaining
12 to floodplain regulations.

13 vii. Emergency Preparedness.

14 Oil and gas well operations and facilities shall provide the City with an
15 acceptable written emergency response plan for the potential emergencies that
16 may be associated with the operation of the facilities. This shall include, but not
17 be limited to, any or all of the following:

18 (a) Explosions, fires, gas or water pipeline leaks or ruptures,
19 hydrogen sulfide or other toxic gas emissions, and hazardous material
20 vehicle accidents or spills.

21 (b) Operation-specific emergency preparedness plans are
22 required for any oil and gas operation that involves drilling or penetrating
23 through known zones of hydrogen sulfide gas.

24 (c) The plan shall include a provision for the operator to
25 reimburse the appropriate emergency response service provider for costs
26 incurred in connection with the emergency.

27 viii. Hazardous Materials.

28 Full disclosure, consistent with COGCC requirements, including material
29 safety data sheets of all hazardous materials that will be transported on any public
30 or private roadway within the City for the oil and gas operation, shall be provided
31 to the Longmont hazards prevention office. This information will be treated as

1 confidential and will be shared with other emergency response personnel only on
2 an as needed basis.

3 ix. Safety/Security.

4 The operator of oil and gas facilities shall comply with COGCC
5 requirements for initial and ongoing site security and safety measures. Such
6 requirements shall adequately address security fencing, the control of fire hazards,
7 equipment specifications, structural stabilization and anchoring, and other
8 relevant safety precautions.

9 x. Maintenance and General Operation.

10 (a) The operator shall at all times keep the wellsites, roads, rights-of-
11 way, facility locations, and other oil and gas operations areas safe and in good
12 order, free of noxious weeds, litter and debris.

13 (b) The operator shall dispose of all water, unused equipment, litter,
14 sewage, waste, chemicals and debris off of the site at an approved disposal site.

15 (c) The operator shall promptly reclaim and reseed all disturbed sites
16 in conformance with COGCC rules.

17 xi. Indemnification.

18 Each City oil and gas well permit issued by the City shall include the
19 following language: "Operator does hereby expressly release and discharge all
20 claims, demands, actions, judgments, and executions which it ever had, or now
21 has or may have, or its successors or assigns may have, or claim to have, against
22 the City and/or its departments, its agents, officers, servants, successors, assigns,
23 sponsors, volunteers, or employees, created by, or arising out of personal injuries,
24 known or unknown, and injuries to property, real or personal, or in any way
25 incidental to or in connection with the actions or inactions of the Operator or its
26 agents, or caused by or arising out of, that sequence of events which occur from
27 the Operator's or its agents actions or inactions. The Operator shall fully defend,
28 protect, indemnify, and hold harmless the City and/or its departments, agents,
29 officers, servants, successors, assigns, sponsors, or volunteers, or employees from
30 and against each and every claim, demand, or cause of action and any and all
31 liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and

1 expenses incurred in defense of the City and/or its departments, its agents,
2 officers, servants, successors, assigns, sponsors, volunteers, or employees,
3 including, without limitation, personal injuries and death in connection therewith
4 which may be made or asserted by Operator, its agents, assigns, or any third
5 parties on account of, arising out of, or in any way incidental to or in connection
6 with the performance of the work performed by the Operator under any permit,
7 and the Operator agrees to indemnify and hold harmless the City and/or its
8 departments, its agents, officers, servants, successors, assigns, sponsors,
9 volunteers, or employees from any liabilities or damages suffered as a result of
10 claims, demands, costs, or judgments against the City and/or, its departments, its
11 agents, officers, servants, successors, assigns, sponsors, volunteers, or employees,
12 created by, or arising out of their acts or omissions occurring on the drill site or
13 operation site or in the course and scope of inspecting, permitting or monitoring
14 the oil/gas wells. Liability for any action or inaction of the City is limited to the
15 maximum amount of recovery under the Colorado Governmental Immunity Act.”

16 xii. Financial Securities/Liability Insurance.

17 a. Minimum standard.

18 (1) Performance security.

19 The applicant may be required to provide reasonable performance
20 security to the City through a minor improvement security agreement as
21 outlined in Section 15.02.120(H)(7), in an amount to be determined by the
22 City and in a form acceptable to the City as outlined in 15.02.120(D) to
23 ensure compliance with the City oil and gas well permit and with the
24 requirements set forth in this section. Conditions of approval covered by
25 this performance security shall consist of measures addressing specific
26 impacts affecting the general public and any damage to public
27 infrastructure. Reclamation and other activities which fall under COGCC
28 jurisdiction are exempted from this performance guarantee coverage.

29 (2) Liability insurance.

30 For any oil or gas well facility permitted under this section, the
31 applicant shall submit a certificate of insurance to the economic

1 development department, showing that a policy of comprehensive general
2 liability insurance or a self-insurance program approved by the Colorado
3 Insurance Commission, in the amount of no less than one million dollars
4 (\$1,000,000) per occurrence, insuring the applicant against all claims or
5 causes of action made against the applicant for damages arising out of the
6 oil or gas well operations. The policy shall be written by a company
7 authorized to do business in the state of Colorado, unless the applicant
8 provides evidence to the City that the applicant is adequately self-insured.
9 The certificate shall require at least thirty (30) days' notice to the city prior
10 to termination of coverages for any reason.

11 b. Recommended standard.

12 (1) Performance security.

13 The applicant may be required to provide reasonable performance
14 security to the City through a minor improvement security agreement as
15 outlined in Section 15.02.120(H)(7), in an amount to be determined by the
16 City and in a form acceptable to the City to ensure compliance with
17 requirements set forth in this section and specific conditions in the City oil
18 and gas permit. Conditions of approval covered by this performance
19 security shall consist of measures addressing specific impacts that may
20 affect the general public and any damage to public infrastructure.

21 xiii. Impact fees.

22 Every permit issued by the City under this section shall require the
23 applicant or operator to pay a fee that is sufficient to pay for all impacts which the
24 proposed operation will cause to facilities owned or operated by the City or used
25 by the general public, including, but not limited to: repair and maintenance of
26 roads, bridges and other transportation infrastructure; improvements made or to
27 be made by the City to accommodate the operations and to protect public health,
28 safety and welfare; costs incurred to process and analyze the application,
29 including the reasonable expenses paid to independent experts or consultants; and
30 impact fees comparable to those charged to other businesses or industries who
31 operate within the City which are not specifically mentioned herein, and other

1 impacts. The City shall establish a mechanism to assess and obtain payment of
2 such fees, subject to the right of the City to request additional funds if the fees
3 prove to be insufficient, or to refund surplus funds to the operator if the fees paid
4 exceed the true cost of the impacts.

5 xiv. Operation Plan.

6 Applications for all oil and gas well facilities and operations will include
7 an operation plan, which should, at a minimum, include the operator's method
8 and schedule for drilling, well completion, transportation, resource production,
9 and post-operation activities.

10
11 w. Specific Development Standards

12 i. Setbacks/Location of Wells and Production Facilities from Buildings,
13 Platted Residential Lots, Parks, Sports Fields and Playgrounds, and Designated Outside
14 Activity Areas.

15 (a) Recommended standard.

16 (1) Wells and production facilities shall be 750 feet or more
17 from occupied buildings or occupied buildings permitted for construction.

18 (2) Wells and production facilities shall be 750 feet or more, or
19 the maximum distance practicable as determined by the City, from platted
20 residential lots, or parks, sports fields, playgrounds or designated outside
21 activity areas.

22 ii. Setbacks/Location of Proposed Buildings, Platted Residential Lots, Parks,
23 Sports Fields and Playgrounds Public Roads, and Major Above Ground Utility Lines
24 from Existing Wells and Production Facilities.

25 (a) Proposed occupied buildings shall be 750 feet or more from
26 existing oil and gas wells and production facilities.

27 (b) Platted residential lots, sports fields and playgrounds shall be 750
28 feet or more, or the maximum distance practicable as determined by the City,
29 from existing oil and gas wells and production facilities.

30 (c) Proposed unoccupied buildings and other structures shall comply
31 with local fire code requirements.

1 (d) Proposed public roads and major above ground utility lines shall be
2 located 150 feet or more from existing oil and gas wells and production facilities.

3 iii. Setbacks/Location of Proposed Buildings, Platted Residential Lots, Sports
4 Fields and Playgrounds from Plugged and Abandoned or Dry and Abandoned Wells.

5 (a) Proposed occupied buildings or additions, sports fields or
6 playgrounds shall be located 150 feet or more, or the maximum distance
7 practicable as determined by the City, from existing plugged and abandoned or
8 dry and abandoned oil and gas wells.

9 (b) Proposed unoccupied buildings shall be located 50 feet or more, or
10 the maximum distance practicable as determined by the City, from existing
11 plugged and abandoned or dry and abandoned wells.

12 (c) No proposed residential lots shall include any portion of plugged
13 and abandoned or dry and abandoned oil and gas wells.

14 iv. Visual Mitigation.

15 (a) Analysis.

16 Applications for all oil and gas facilities may be required to
17 include a visual impact analysis. The analysis, if required, shall include
18 photographic simulations of the site from nearby public rights-of-way and
19 locations as determined by the development services manager or designee
20 and proposed impact mitigation measures as indicated below. The
21 development services manager or designee will determine the appropriate
22 land use(s) from which a photographic simulation of the site shall be
23 provided based upon topography, existing vegetative and/or structural
24 screening, and the linear distance from the proposed oil and gas facility to
25 the respective land use(s).

26 (b) Mitigation.

27 (1) Methods for appropriate visual impact mitigation include,
28 but are not limited to, use of low profile tanks, facility painting, vegetative
29 or structural screening, berming, or minor relocation of the facility to a
30 less visible location on the respective site.

1 (2) On-site relocation may be necessary where the proposed
2 facility would cause visual impacts to natural ridgelines, rock
3 outcroppings, or other distinct geologic formations, provided relocation
4 does not adversely impact the well spacing requirements of the COGCC or
5 the ability of the oil and gas well operator to develop the resource.

6 (3) Where the painting of a facility or any structural screening
7 (i.e., fence or wall) is required as a method of impact mitigation, such
8 facility and screening shall be painted a uniform, non-contrasting, non-
9 reflective color tone. The facility or structural screening paint color shall
10 be matched to the land, not the sky, and shall be slightly darker than the
11 adjacent landscape.

12 v. Noise

13 (a) Minimum standard.

14 Sound emission levels and mitigation, at a minimum shall be in
15 accordance with the standards as adopted and amended by COGCC.

16 (b) Recommended standard.

17 (1) Sound emission levels shall be in accordance with the
18 standards as adopted and amended by COGCC.

19 (2) The operator shall provide additional noise mitigation that
20 may be required by the City. In determining such additional noise
21 mitigation, specific site characteristics shall be considered, including, but
22 not limited to, the following:

23 (i) Nature and proximity of adjacent development
24 (design, location, type);

25 (ii) Prevailing weather patterns, including wind
26 directions;

27 (iii) Vegetative cover on or adjacent to the site or
28 topography.

29 (3) Further, based upon the specific site characteristics, the
30 nature of the proposed activity, and its proximity to surrounding
31 development, and type and intensity of the noise emitted, additional noise

1 abatement measures above and beyond those required by the COGCC may
2 be required by the City. The level of required mitigation may increase
3 with the proximity of the facility to existing residences and platted
4 subdivision lots and/or the level of noise emitted by the facility. One or
5 more of the following additional noise abatement measures shall be
6 provided by the operator if requested by the City:

7 (i) Acoustically insulated housing or covers enclosing
8 any motor or engine;

9 (ii) Screening of the site or noise-emitting equipment
10 by a wall or landscaping;

11 (iii) Solid wall of acoustically insulating material
12 surrounding all or part of the facility;

13 (iv) A noise management plan specifying the hours of
14 maximum noise and the type frequency, and level of noise emitted;

15 (v) Use of electric-power engines and motors, and
16 pumping systems; and/or

17 (vi) Construction of buildings or other enclosures may
18 be required where facilities create noise and visual impacts that
19 cannot otherwise be mitigated because of proximity, density,
20 and/or intensity of adjacent land use.

21 vi. Vibration.

22 All mechanized equipment associated with oil and gas wells and
23 production facilities shall be anchored so as to minimize transmission of vibration
24 through the ground according to COGCC rules.

25 vii. Lighting.

26 All on-site lighting used in the construction of the well and its
27 appurtenances shall comply with the COGCC Rule 803. All permanent lighting
28 fixtures installed on the site shall comply with the City of Longmont lighting
29 standards found in Section 15.05.140, Outdoor Lighting.

30 viii. Water Protection.

1 Rivers, streams, reservoirs, irrigation ditches, groundwater, wetlands and
2 other water bodies are considered important water systems for the City. The value
3 of both surface and ground water are significant and the City finds that protection
4 of water resources is of primary importance, and must be adequately addressed by
5 any applicant for an oil and gas facility permit.

6 (a) Oil and gas well operations shall not adversely affect the quality or
7 quantity of surface or subsurface waters. If the COGCC designates a water body
8 as part of a public water system, oil and gas well operations shall be consistent
9 with COGCC Rule 317.B Public Water System Protection.

10 (b) Oil and gas well operations shall not adversely affect the water
11 quality, quantity or water pressure of any public or private water wells.

12 ix. Setbacks to Water Bodies.

13 (a) Minimum standard.

14 Oil and gas well operations and facilities and operations shall
15 comply with setback requirements for river/stream corridors and riparian
16 areas, and wetlands under Section 15.05.020(E). If the water body is
17 associated with a designated outside activity area, the setback from the
18 water body shall be consistent with the setback for the outside activity
19 area. If the water body is classified as part of a public water system, oil
20 and gas well operations shall be consistent with COGCC Rule 317.B
21 Public Water System Protection.

22 (b) Recommended standard.

23 Oil and gas well operations and facilities shall be located 300 feet
24 or more, or the maximum distance practicable as determined by the City,
25 from the normal high water mark of any water body. If the water body is
26 associated with a designated outside activity area, the setback from the
27 water body shall be consistent with the setback for the outside activity
28 area. If the COGCC designates the water body as part of a public water
29 system, oil and gas well operations shall be consistent with COGCC Rule
30 317.B Public Water System Protection.

31 x. Water Quality Testing and Monitoring.

1 (a) The applicant shall comply with COGCC water well testing and
2 water-bearing formation protection procedures and requirements.

3 (b) If the City determines that additional water quality testing or
4 monitoring is required, the applicant shall submit a water quality monitoring plan
5 to the City for review and approval.

6 (c) The plan will outline a monitoring program to establish a baseline
7 for and monitor water quality conditions and pollutants in surface or groundwater
8 that could be impacted by production of oil or natural gas from any well in an
9 adjacent single or consolidated well site. The plan, at a minimum, will include the
10 following:

11 (1) The type and number of wells needed to establish baseline
12 groundwater quality upgradient and downgradient of the proposed oil and
13 gas operations, including depth, materials of construction and location of
14 wells on and around the site;

15 (2) The constituents to be sampled for, taking into account
16 State of Colorado groundwater standards and any materials used in the oil
17 and gas operations that could affect groundwater;

18 (3) The type and frequency of samples to be collected and
19 analyzed before operations start, during operations and after operations
20 have been completed;

21 (4) The analytical methods and reporting levels to be used;

22 (5) The proposed frequency of reporting results to the City and
23 COGCC.

24 (d) The plan shall be based on hydrologic studies or equivalent
25 information showing the subsurface conditions and mobility of the groundwater
26 aquifer(s) that will be affected by the oil and gas operations. The plan shall be
27 prepared by an engineer registered in the State of Colorado with experience in
28 groundwater monitoring and subsurface condition investigations.

29 (e) The procedures and provisions in the approved plan shall be
30 implemented by the oil and gas well operators prior to any construction or
31 operations on the site. Oil and gas well operators shall fund the development and

1 implementation of the water quality monitoring plan and program for the duration
2 of operations on the site and for a minimum of five (5) years following
3 completion of operations and abandonment of the well(s). All monitoring records
4 related to the program shall be provided to the City as soon as they are available
5 to the operator.

6 xi. Waste and Wastewater Disposal & Closed Loop/Pitless System.

7 (a) Minimum Standard.

8 All water, waste, chemicals, fluids, solutions or other solid
9 materials or liquid substances produced or discharged by the operation of
10 the oil and gas well's facilities shall be treated and disposed of in
11 accordance with all applicable rules and regulations of the governmental
12 authorities having jurisdiction over such matters.

13 (b) Recommended Standard.

14 (1) No pits, production, reserve, waste, or otherwise, shall be
15 constructed or maintained on the site and any produced water or waste and
16 chemicals, fluids, hydrocarbons, fracturing solutions or other solid
17 materials or liquid substances of any kind shall not be discharged on the
18 site and shall be discharged and held only in a "closed loop system"
19 comprised of sealed storage tanks, commonly used for such purposes in
20 the industry, which contents shall be promptly removed from the site and
21 disposed of off of the site at a licensed disposal site, in accordance with
22 COGCC or other applicable rules and regulations.

23 (2) Drilling or operation of any waste water or other injection
24 or disposal wells is prohibited. Except to the extent that materials are
25 injected into a well as part of normal and ordinary drilling, completion and
26 production operations, an operator shall not inject or re-inject any fluid,
27 water, waste, fracking material, chemical or toxic product into any well.

28 xii. Production Site Containment.

29 Berms or other containment devices shall be constructed around crude oil
30 condensate, or produced water and waste storage tanks and shall enclose an area
31 sufficient to contain and provide secondary containment for 150 percent of the

1 largest single tank. Berms or other secondary containment devices shall be
2 sufficiently impervious to contain all spilled or released material. No more than
3 two storage tanks shall be located within a single berm in high density areas. All
4 berms and containment devices shall be maintained in good condition. No
5 potential ignition sources shall be allowed inside the secondary containment area.

6 xiii. Spill, Release, Discharge.

7 The operator shall implement best management practices in compliance
8 with applicable state and federal laws to avoid and minimize the spill, release or
9 discharge of any pollutants, contaminants, chemicals, solid wastes, or industrial,
10 toxic or hazardous substances or wastes at, on, in, under, or near the site. Any
11 such spill, release or discharge, including without limitation, of oil, gas, grease,
12 solvents, or hydrocarbons that occurs at, on, in, under, or near the site shall be
13 remediated by the operator and notice provided by the operator in compliance
14 with applicable state and federal laws, rules and policies.

15 xiv. Stormwater Management.

16 The construction and operation of oil and gas wells and production
17 equipment, including access roads and storage areas for equipment and materials,
18 shall meet all stormwater management and pollution prevention requirements of
19 the Colorado Department of Public Health and Environment and any applicable
20 requirements of LMC Chapter 14.26.

21 xv. Pipeline and Gathering Systems.

22 The design, construction, cover, and reclamation of all pipelines and
23 gathering lines for oil and gas operations shall be subject to the COGCC rules.
24 The alignment location of any approved pipeline or gathering system shall be
25 recorded against the respective property in the records of the County Clerk and
26 Recorder. The location of any pipelines and gathering lines which are proposed
27 for abandonment shall also be recorded against the respective property in the
28 records of the County Clerk and Recorder upon abandonment.

29 xvi. Air Quality.

1 (a) Air emissions from oil and gas well facilities and operations shall
2 be, at a minimum, in compliance with the permit and control provisions of the
3 Colorado Air Quality Control Program, Title 25, Section 7, C.R.S.

4 (b) The operator shall make reasonable efforts to minimize methane
5 emissions by using all feasible "green completion" techniques, pursuant to
6 COGCC Rules Section 805(3) and the installation of "low bleed" pneumatic
7 instrumentation and closed loop systems.

8 (c) To the maximum extent practicable, all fossil fuel powered engines
9 used on site shall employ the latest emission-reduction technologies.

10 (d) The use of electric-power engines and motors, and pumping
11 systems are recommended to reduce airborne emissions wherever practical given
12 an oil and gas well facility's proximity to available electric transmission lines.

13 xvii. Odor/Dust Containment.

14 Oil and gas facilities and equipment shall be operated in such a manner
15 that odors and dust to do not constitute a nuisance or hazard to public health,
16 safety, welfare, and the environment, including compliance with COGCC Rules
17 section 805.b.(1) and LMC Section 15.05.160(D) regarding use of best available
18 technologies to control odor.

19 xviii. Wildlife and Habitat.

20 Oil and gas facilities shall comply with federal and state requirements
21 regarding the protection of wildlife and habitat, including the COGCC wildlife
22 resource protection rules, and the provisions of LMC Section 15.05.030, "Habitat
23 and Species Protection". The applicant shall implement such procedures as
24 recommended by the Colorado Division of Wildlife after consultation with the
25 City Natural Resources staff.

26 xviii. Reclamation, Re-vegetation and Well Abandonment.

27 (a) Site Vegetation Analysis.

28 Applications for oil and gas well facilities shall include an analysis
29 of the existing vegetation on the site to establish a baseline for re-
30 vegetation upon abandonment of the facility or upon final reclamation of
31 the site. The analysis shall include a written description of the species,

1 character, and density of existing vegetation on the site and a summary of
2 the potential impacts to vegetation as a result of the proposed operation.

3 (b) Re-vegetation.

4 Applications for oil and gas facilities shall include any COGCC
5 accepted interim and final reclamation procedures and consultation with
6 City Natural Resources staff regarding site specific re-vegetation plan
7 recommendations.

8 (c) Well Abandonment.

9 Operators shall comply with COGCC rules regarding well
10 abandonment. Upon the plugging and abandonment of a well, the operator
11 shall provide surveyed coordinates of the abandoned well and a physical
12 marker of the well location.

13 xix. Transportation Impacts, Road and Access.

14 (a) Transportation Impact Study.

15 (1) Applications for oil and gas well facilities and operations
16 may be required, as determined by the City, to include a transportation
17 impact study, which shall clearly identify and distinguish the impacts to
18 City roads and bridges related to facility construction, operations, and
19 ongoing new traffic generation from other impacts. Transportation impact
20 studies shall be prepared in accordance with the City standards
21 requirements or other guidelines as provided by the City engineer. The
22 process for mitigation of transportation impacts typically will include a
23 plan for traffic control, evidence of the receipt of all necessary permits,
24 ongoing roadway maintenance, and improving or reconstructing City
25 roads as necessary, including providing financial assurance.

26 (2) A traffic control plan shall be prepared for each phase of
27 operations where City roads will be utilized for transportation of materials
28 in support of site construction and/or operations.

29 (3) In the event that public road improvements are required to
30 accommodate an oil and gas well facility, engineered drawings prepared
31 by a Colorado licensed civil engineer shall be approved prior to permitting

1 work in the right-of-way. Such drawings shall conform to City standards.
2 Financial assurance shall be required for the construction or reconstruction
3 of all public roads.

4 (b) Maintenance.

5 In the event that the activities of an operator cause any City
6 roadway to become substandard, the City may require the operator to
7 provide ongoing maintenance of the applicable substandard City roadway.
8 Such maintenance may include dust control measures and roadway
9 improvements such as graveling, shouldering, and/or paving as determined
10 in the Transportation Impact Study.

11 (c) Site Access.

12 Any access to a property from a City street requires a City-issued
13 access permit. Permits are revocable upon issuance of a stop work order or
14 if other permit violations occur. The permitting and construction of site
15 accesses shall comply with the City design standards.

16 (d) Private Access Roads.

17 For private access roads connecting oil and gas well facilities with
18 a public street or state highway, the applicant shall provide written
19 documentation as part of the application demonstrating that it has the legal
20 right to use such road(s) for the purpose of accessing the facilities. All
21 private roads used to access oil and gas well facilities shall be graded for
22 appropriate drainage, and surfaced and maintained to provide adequate
23 access for oil and gas operation vehicles and emergency vehicles. The
24 operator shall comply with City standards regarding vehicle tracking and
25 dust mitigation. The operator shall also enter into an agreement with the
26 private road owner regarding maintenance and reimbursement for
27 damages.

28 (e) State Highway Access.

29 If access is directly to a state highway, the applicant must have an
30 approved State Highway Access Permit for the proposed facility.

31 xx. Signs.

1 Oil and gas well facilities shall have signage consistent with the COGCC
2 rules. In addition, each well site and production site shall have posted in a
3 conspicuous place a legible sign of not less than three square feet and not more
4 than six square feet bearing the current name of the operator, a current phone
5 number including area code, where the operator may be reached at all times, and
6 the name or number of the lease and the number of the well printed thereon. The
7 sign shall warn of safety hazards to the public and shall be maintained on the
8 premises from the time materials are delivered for drilling purposes until the well
9 site and production site is abandoned.

10
11 x. Definitions.

12 (a) For purposes of these oil and gas well regulations only, the following
13 words shall have the following definitions:

14 *Act* means the Oil and Gas Conservation Act of the State of Colorado.

15 *Accessory Facilities* means all of the equipment, buildings, structures, and
16 improvements associated with or required for the operation of a well site, pipeline, or
17 compressor facility. Ancillary facilities include, but are not limited to, roads, well pads,
18 tank batteries, combustion equipment and exclude gathering lines.

19 *Best Management Practices (BMPs)* are practices that are designed to prevent or
20 reduce impacts caused by oil and gas operations to air, water, soil, or biological
21 resources, and to minimize adverse impacts to public health, safety and welfare,
22 including the environment and wildlife resources.

23 *Centralized Exploration and Production (E&P) Waste Management Facility*
24 means a facility, other than a commercial disposal facility regulated by the Colorado
25 Department of Public Health and Environment, that (1) is either used exclusively by one
26 owner or operator or used by more than one operator under an operating agreement; and
27 (2) is operated for a period greater than three (3) years; and (3) receives for collection,
28 treatment, temporary storage, and/or disposal produced water, drilling fluids, completion
29 fluids, and any other exempt E&P wastes as defined by the COGCC Rules that are
30 generated from two or more production units or areas or from a set of commonly owned
31 or operated leases. This definition includes oil-field naturally occurring radioactive

1 materials (NORM) related storage, decontamination, treatment, or disposal. This
2 definition excludes a facility that is permitted in accordance with COGCC Rule 903
3 pursuant to COGCC Rule 902.e.

4 *Commercial Disposal Well Facility* means a facility whose primary objective is
5 disposal of Class II waste from a third party for financial profit.

6 *COGCC* means the Colorado Oil and Gas Conservation Commission.

7 *Completion* - An oil well shall be considered completed when the first new oil is
8 produced through well head equipment into lease tanks from the ultimate producing
9 interval after the production string has been run. A gas well shall be considered
10 completed when the well is capable of producing gas through wellhead equipment from
11 the ultimate producing zone after the production string has been run. A dry hole shall be
12 considered completed when all provisions of plugging are complied with as set out in
13 these rules. Any well not previously defined as an oil or gas well, shall be considered
14 completed ninety (90) days after reaching total depth. If approved by the COGCC, a well
15 that requires extensive testing shall be considered completed when the drilling rig is
16 released or six months after reaching total depth, whichever is later.

17 *Dedicated Injection Well* means any well as defined under 40 C.F.R. §144.5 B,
18 1992 Edition, (adopted by the U.S. Environmental Protection Agency) used for the
19 exclusive purpose of injecting fluids or gas from the surface. The definition of a
20 dedicated injection well does not include gas storage wells.

21 *Designated Agent* means the designated representative of any oil and gas well
22 operator.

23 *Designated Outside Activity Areas* means as defined in COGCC rules.

24 *Exploration and Production Waste (E&P Waste)* means those wastes associated
25 with operations to locate or remove oil or gas from the ground or to remove impurities
26 from such substances and which are uniquely associated with and intrinsic to oil and gas
27 exploration, development, or production operations that are exempt from regulation under
28 Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 USC Sections
29 6921, et seq. For natural gas, primary field operations include those production-related
30 activities at or near the well head and at the gas plant (regardless of whether or not the
31 gas plant is at or near the wellhead)but prior to transport of the natural gas from the gas

1 plant to market. In addition, uniquely associated wastes derived from the production
2 stream along the gas plant feeder pipelines are considered E&P wastes, even if a change
3 of custody in the natural gas has occurred between the wellhead and the gas plant. In
4 addition, wastes uniquely associated with the operations to recover natural gas from
5 underground storage fields are considered to be E&P Wastes.

6 *Flowlines* mean those segments of pipe from the wellhead downstream through
7 the production facilities ending at: in the case of gas lines, the gas metering equipment; or
8 in the case of oil lines the oil loading point or Lease Automatic Custody Transfer (LACT)
9 unit; or in the case of water lines, the water loading point, the point of discharge to a pit,
10 the injection wellhead, or the permitted surface water discharge point.

11 *Gathering Line* means a pipeline and equipment described below that transports
12 gas from a production facility (ordinarily commencing downstream of the final
13 production separator at the inlet flange of the custody transfer meter) to a natural gas
14 processing plant or transmission line or main. The term "gathering line" includes valves,
15 metering equipment, communication equipment cathodic protection facilities, and pig
16 launchers and receivers, but does not include dehydrators, treaters, tanks separators, or
17 compressors located downstream of the final production facilities and upstream of the
18 natural gas processing plants, transmission lines, or main lines.

19 *Green Completion Practices* mean those practices intended to reduce emissions of
20 salable gas and condensate vapors during cleanout and flowback operations prior to the
21 well being placed on production and thereafter as applicable.

22 *Groundwater* means subsurface waters in a zone of saturation.

23 *Inactive Well* means any shut-in well from which no production has been sold for
24 a period of twelve (12) consecutive months; any well which has been temporarily
25 abandoned for a period of (6) consecutive months; or, any injection well which has not
26 been utilized for a period of twelve (12) consecutive months.

27 *Local Government Designee (LGD)* means the office designated to receive, on
28 behalf of the local government, copies of all documents required to be filed with the local
29 government designee pursuant to these rules.

30 *Mineral Estate Owner* means the owner or lessee of minerals located under a
31 surface estate that are subject to an application for development.

1 *Multi-well Site* means a common well pad from which multiple wells may be
2 drilled to various bottom hole locations.

3 *Oil* means crude petroleum oil and any other hydrocarbons, regardless of
4 gravities, which are produced at the well in liquid form by ordinary production methods,
5 and which are not the result of condensation of gas before or after it leaves the reservoir.

6 *Oil and Gas* means oil or gas or both oil and gas.

7 *Oil and Gas Well* means a hole drilled into the earth for the purpose of exploring
8 for or extracting oil, gas, or other hydrocarbon substances.

9 *Oil and Gas Well Facility* means equipment or improvements used or installed at
10 an oil and gas well location for the exploration, production, withdrawal, gathering,
11 treatment, or processing of oil or natural gas.

12 *Oil and Gas Well Location* means a definable area where an operator has
13 disturbed or intends to disturb the land surface in order to locate an oil and gas well
14 facility.

15 *Oil and Gas Well Operations* means exploration for oil and gas, including the
16 conduct of seismic operations and the drilling of test bores; the siting; drilling; deepening,
17 recompletion, reworking, or abandonment of an oil and gas well, or gas storage well;
18 production operations related to any such well including the installation of flowlines and
19 gathering systems; the generation, transportation, storage, treatment,; and any
20 construction, site preparation, or reclamation activities associated with such operations.

21 *Operating Plan* means a general description of a facility identifying purpose, use,
22 typical staffing pattern, equipment description and location, access routes, seasonal or
23 periodic considerations, routine hours of operating, source of services and infrastructure,
24 and any other information related to regular functioning of that facility.

25 *Operator* means any person who exercises the right to control the conduct of oil
26 and gas operations.

27 *Owner* means any person with a working interest ownership in the oil and gas or
28 leasehold interest therein.

29 *Pit* means a subsurface earthen excavation (lined or unlined), or open top tank,
30 used for oil or gas exploration or production purposes for retaining or storing substances

1 associated with the drilling or operation of oil and gas wells. Pits may include drilling
2 pits, production pits, reserve pits and special purpose pits as defined in COGCC Rules

3 *Plugging and Abandonment* means the cementing of a well, the removal of its
4 associated production facilities, the removal or abandonment in-place of its flowline, and
5 the remediation and reclamation of the wellsite.

6 *Pollution* means man-made or man-induced contamination or other degradation of
7 the physical, chemical, biological, or radiological integrity of air, water, soil, or
8 biological resource.

9 *Production Facilities* mean all storage, separation, treating, dehydration, artificial
10 lift, power supply, compression, pumping, metering, monitoring, flowline, and other
11 equipment directly associated with oil or gas wells.

12 *Production Site* means that surface area immediately surrounding proposed or
13 existing production equipment, or other accessory equipment necessary for oil and gas
14 production activities, exclusive of transmission and gathering pipelines.

15 *Public Water System* means those systems designated by the COGCC. These
16 systems provide to the public water for human consumption through pipes or other
17 constructed conveyances, if such systems have at least fifteen (15) service connections or
18 regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60)
19 days out of the year. Such definition includes:

20 (i) Any collection, treatment, storage, and distribution facilities under control
21 off the operator of such system and used primarily in connection with such system.

22 (ii) Any collection or pretreatment storage facilities not under such control,
23 which are used primarily in connection with such system.

24 The definition of "Public Water System" for purposes of Rule 317B does not
25 include any "special irrigation district," as defined in Colorado Primary Drinking Water
26 Regulations (5 C.C.R. 1003.1).

27 *Reclamation* means the process of returning or restoring the surface of disturbed
28 land as nearly as practicable to its condition prior to the commencement of oil and gas
29 operations or to landowner specifications with an approved variance under COGCC Rule
30 502.b.

1 *Remediation* means the process of reducing the concentration of a contaminant or
2 contaminants in water or soil to the extent necessary to ensure compliance with the
3 concentration levels in COGCC rules and other applicable ground water standards and
4 classifications.

5 *Seismic Operations* means all activities associated with acquisition of seismic data
6 including but not limited to surveying, shothole drilling, recording, shothole plugging and
7 reclamation.

8 *Sensitive Area* means an area vulnerable to potential significant adverse
9 groundwater impacts, due to factors such as the presence of shallow groundwater or
10 pathways for communication with deeper groundwater; proximity to surface water,
11 including lakes, rivers, perennial or intermittent streams, creeks, irrigation canals, and
12 wetlands. Additionally, areas classified for domestic use by the Water Quality Control
13 Commission, local (water supply) wellhead protection areas, areas within 1/8 mile of a
14 domestic water well, areas within ¼ mile of a public water well, ground water basins
15 designated by the Colorado Ground Water Commission, and surface water supply areas
16 are sensitive areas.

17 *Sidetracking* means entering the same well head from the surface, but not
18 necessarily following the same well bore, throughout its subsurface extent when
19 deviation from such well bore is necessary to reach the objective depth because of an
20 engineering problem.

21 *Spill* means any unauthorized sudden discharge of E&P waste to the environment.

22 *Subsurface Disposal Facility* means a facility or system for disposing of water or
23 other oil field wastes into a subsurface reservoir or reservoirs.

24 *Surface Water Supply Area* means the classified water supply segments within
25 five (5) stream miles upstream of a surface water intake on a classified water supply
26 segment. Surface Water Supply Areas shall be identified on the Public Water Supply
27 Area Map or through use of the Public Water System Surface Water Supply Area
28 Applicability Determination Tool described in COGCC Rule 317B.b.

29 *Tank* shall mean a stationary vessel that is used to contain fluids, constructed of
30 non-earthen materials (e.g. concrete, steel, plastic) that provide structural support.

1 *Treatment facilities* means any plant, equipment or other works used for the
2 purposes of treating, separating or stabilizing any substance produced from a well.

3 *Twinning* means the drilling of a well within a radius of fifty feet from an existing
4 well bore when the well cannot be drilled to the objective depth or produced because of
5 an engineering problem, such as a collapsed casing or formation damage.

6 *Water Bodies* mean reservoirs, lakes, perennial or seasonally flowing rivers,
7 streams, creeks, springs, irrigation ditches, aquifers, and wetlands.

8 *Waters of the State* mean any and all surface and subsurface waters which are
9 contained in or flow in or through this state, but does not include waters in sewage
10 systems, waters in treatment works of disposal systems, water in potable water
11 distribution systems, and all water withdrawn for use until use and treatment have been
12 completed. Waters of the state include, but are not limited to, all streams, lakes, ponds,
13 impounding reservoirs, wetlands, watercourses, waterways, wells, springs, irrigation
14 ditches or canals, drainage systems, and all other bodies or accumulations of water,
15 surface and underground, natural or artificial, public or private, situated wholly or partly
16 within or bordering upon the State.

17 *Well* means an oil or gas well for purposes of exploration and production.

18 *Well Site* means the areas that are directly disturbed during the drilling and
19 subsequent operation of, or affected by production facilities directly associated with, any
20 oil or gas well or injection well and its associated well pad.

21 (b) All terms used in this section that are defined in the Act or in COGCC
22 rules and are not otherwise defined in Chapter 15.10 of this development code shall be
23 defined as provided in the Act.

24 (c) All other words used in this section shall be given their usual customary
25 and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas
26 industry, shall be given that meaning which is generally accepted in the oil and gas
27 industry.

28 29 Section 3

30 The Council amends §§15.04.010 only of the Longmont Municipal Code, by adding
31 italicized material and deleting stricken material to read as shown on the attached Exhibit 1.

1
2 Section 4

3 The Council amends § 15.05.010 of the Longmont Municipal Code, by adding italicized
4 material and deleting stricken material only, to read as follows:

5 ...

6 B. Residential zoning districts – Density and dimensional standards.

7 ...

8 2. Special standards.

9 ...

10 h. *Setbacks/location from existing and abandoned oil and gas wells*
11 *and facilities. Please see section 15.04.020(B)(32)(w)(ii) and (iii) regarding*
12 *setbacks/location of buildings and structures from existing and abandoned oil and*
13 *gas wells and facilities.*

14 ...

15 C. Commercial, industrial, mixed use and public zoning districts – Density, intensity,
16 and dimensional standards, Table 15.05-B

17 ...

18 2. Special standards.

19 ...

20 f. *Setbacks/location from existing and abandoned oil and gas wells*
21 *and facilities. Please see section 15.04.020(B)(32)(w)(ii) and (iii) regarding*
22 *setbacks/location of buildings and structures from existing and abandoned oil and*
23 *gas wells and facilities.*

24 ...

25
26 Section 5

27 The Council amends § 15.07.050 of the Longmont Municipal Code, by adding italicized
28 material and deleting stricken material only, to read as follows:

29 ...

30 15.07.50. Subdivision design and improvements.

31 ...

P. Setbacks/location from existing and abandoned wells and facilities. Please see section 15.04.020(B)(32)(w)(ii) and (iii) regarding setbacks/location of platted residential lots, parks, sports fields and playgrounds, public roads, and major above ground utility lines from existing and abandoned oil and gas wells and facilities.

• • •

Section 6

The Council amends § 15.10.020 of the Longmont Municipal Code only of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

15.10.020 Definitions of words, terms and phrases.

...

Heavy industrial means manufacturing or other enterprises with significant external effects, or which pose significant risks due to involvement with explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. *Oil and gas waste disposal facilities, including injection wells for disposal of oil and gas exploration and production wastes, commercial disposal facilities, centralized E&P waste management facilities, and subsurface disposal facilities, are classified as heavy industrial uses.*

• • •

~~OGCC means the oil and gas conservation commission.~~

~~Oil means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.~~

~~Oil and gas means oil or gas or both oil and gas.~~

~~Oil and gas well means a hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.~~

1
2
3 Section 7

4 The Council amends Appendix B of Title 15 of the Longmont Municipal Code, by
5 adding italicized material and deleting stricken material to read as shown on the attached Exhibit
6 2.

7
8 Section 8

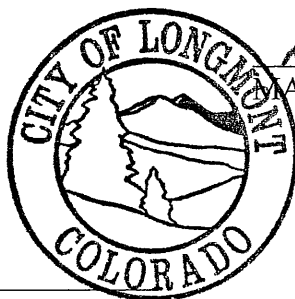
9 To the extent only that they conflict with this ordinance, the Council repeals any
10 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
11 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

12
13
14 Introduced this 8th day of May, 2012.

15
16 Passed and adopted this 17th day of July, 2012.

17
18
19
20
21
22
23 ATTEST:

24
25 Valeria R. Skott
26
27 CITY CLERK



Dennis F. Coombs
MAYOR

28
29 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
30 7:00 P.M. ON THE 22ND DAY OF MAY, 2012, IN THE LONGMONT COUNCIL
31 CHAMBERS.

32
33
34 APPROVED AS TO FORM:

35 Eugene Mei
36
37 CITY ATTORNEY

7/19/12
DATE

38
39 Laura Marnie
40
41 PROOF READ

7-19-12
DATE

1
2 APPROVED AS TO FORM AND SUBSTANCE:

3
4
5
6
7



ORIGINATING DEPARTMENT

7/19/12

DATE

1

2

3

4

TABLE 15.04-A: TABLE OF PRINCIPAL USES

P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use

USE CLASSIFICATION & SPECIFIC PRINCIPAL USES		ZONING DISTRICT																		Additional Regulations (Apply in All Districts Unless Otherwise Stated)	
		E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P	A	MU	RP	
G. Manufacturing and Processing Uses		...																			
Industrial users where products are researched, designed, assembled, manufactured, or produced.																					
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																					
Light industrial uses																				24;	Operational impacts associated with noise, odors, light, vibration, etc. are confined to the lot on which the use is located or are adequately mitigated.
Indoor use only except for storage meeting accessory use standards.														P	P	P			C	P	MU and overlay: allowed only in commercial core area

TABLE 15.04-A: TABLE OF PRINCIPAL USES

P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use

USE CLASSIFICATION & SPECIFIC PRINCIPAL USES		ZONING DISTRICT																			Additional Regulations (Apply in All Districts Unless Otherwise Stated)	
Medium industrial uses Majority of use occurs indoor	E1																					24; Operational impacts associated with noise, odors, light, vibration, etc. are confined to the zoning district in which the use is located or are adequately mitigated. BLI: Limited use review for indoor use only except for storage meeting accessory use standards. Conditional use review for uses with additional outdoor activities. Not allowed in MU district overlay
	E2																					
Heavy industrial uses Use may occur indoor or outdoor	R1																					
	R2																					
	R3																					
	MH																					
	RLE																					
	RMD																					
	MD-O																					
	C																					
	CR																					
	CBD																					
	BLI																					
	MI																					
	GI																					
	P																					
	A																					
	MU																					
	RP																					

P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use

1

EXHIBIT 2

APPENDIX B. SUBMITTAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

...

2. ~~Table 2:~~ Submittal requirements for applications for major developments.

a. Table 2: Information to be submitted as application package to planning and development services division (number of copies shall be specified in the pre-application conference).

~~a.b.~~ Oil and Gas *Well Operations and Facilities*: Additional Submittal Requirements. In addition to the conditional use application package requirements in Tables 2, 3 and 4 below, proposed oil and gas *well operations and facilities* subject to the use regulations in §15.04.020.B.32, "Oil and Gas *Well Operations and Facilities*," shall include the additional submittal requirements stated in Table 8 of this Appendix, below.

...

3. Submittal requirements for applications for minor developments.

a. Table 5: Application Package Requirements for Applications for Minor Developments.

b. *Oil and Gas Well Operations and Facilities: Additional Submittal Requirements. In addition to the limited use application requirements in Tables 5, 6 and 7 below, proposed oil and gas well operations and facilities subject to the use regulations in §15.04.020.B.32, "Oil and Gas Well Operations and Facilities," shall include the additional submittal requirements stated in Table 8 of this Appendix, below.*

...

4. Additional Submittal Requirements for Conditional Use Review of Oil and Gas *Well Operations and Facilities*. In addition to the conditional use application package requirements in Tables 2, 3 and 4 above or the limited use application requirements in Tables 5, 6 and 7 above, proposed oil and gas *well operations and facilities* subject to the

1 use regulations in §15.04.020.B.32, "Oil and Gas *Well Operations and Facilities*," shall include the submittal
2 requirements stated in Table 8 below.
3

4 TABLE 8

5 ADDITIONAL SUBMITTAL REQUIREMENTS FOR ~~CONDITIONAL USE REVIEW~~ OF OIL AND GAS *WELL*

6 *OPERATIONS AND FACILITIES*
7

8 General Submission Requirements:

- 9 1. The *applicant and operator's name, and address, phone and fax numbers, and email addresses and copies of*
10 *applicable OGCC forms 1 and 2.*
11 ~~2. An operating plan.~~

12 ~~4.2.A listing of all permits or approvals obtained or yet to be obtained from state or federal agencies other than OGCC.~~

13 3. *A written description of compliance with the requirements and standards in §15.04.020.B.32.*

14 4. *The following items consistent with the requirements and standards in §15.04.020.B.32:*

- 15 *a. Emergency response plan;*
16 *b. Cultural resource plan, as applicable;*
17 *c. Operation plan;*
18 *d. Visual mitigation analysis, as applicable;*
19 *e. Noise mitigation, as applicable;*
20 *f. Lighting plan;*
21 *g. Water quality monitoring plan, as applicable;*
22 *h. Site vegetation analysis;*

1 i. *Habitat protection plan, as applicable*

2 j. *Transportation impact study, traffic control plan, and access plan.*

3 4. ~~An emergency response plan which includes, but is not limited to, a listing of local telephone numbers of the public~~
4 and private entities and individuals to be notified in the event of an emergency, the location of the well, the location
5 of drilling equipment and related facilities and structures, and provisions to be made for access by emergency
6 response entities.

7 5. ~~A schedule of drilling and anticipated completion events related to the proposed well.~~

8 6. ~~An access plan indicating proposed equipment routes and loading information.~~

9 7. ~~Drainage and erosion control plans for on-site and off-site drainage.~~

10 8. ~~Graphic representations, preferably a representative including photographs, photographs or pictorial drawing, of the~~
11 types of equipment to be used during drilling, completion, maintenance, or abandonment operations, as applicable.

12 6. *Any other reasonable or pertinent information deemed necessary by the City for the application review or*
13 *compliance with the requirements and standards in §15.04.020.B.32.*

14
15 Vicinity Map Requirements:

16 The Applicant shall include a *scaled* vicinity map with *aerial imagery* that shows all of the following:

17 1. The location of all existing bodies of water and watercourses, including direction of water flow. This information
18 shall be submitted on United States Geological Service (USGS) 7.5 minute series, assessor base maps which
19 indicate topographic detail and show all existing bodies of water and watercourses with a physically defined
20 channel within a 1,000-foot radius one mile or greater of the proposed well(s) or a map of equal quality and
21 information.

1 4-2. The location of existing *and abandoned* oil and gas wells as reflected in COGCC records. ~~This information shall~~
2 ~~include any and all wells, including abandoned wells, within a 1,000-foot radius one mile or greater of the proposed~~
3 ~~well(s) location for the well.~~

4 4-3. The location of proposed wells, sites and proposed production sites *facilities and access roads*. The information to
5 be submitted shall be that contained on OGCC form 2. ~~The information shall also include the parcel tax~~
6 ~~identification number of the property on which the well site and production site is to be located.~~
7

8 Site Plan Requirements:

9 The Applicant shall submit a conditional use site plan that, in addition to the requirements in Table 2 ~~for conditional use~~
10 ~~site plans or limited use site plans above~~, includes the following elements:

- 11 1. The location of the proposed well *site operations and production facilities* site including well(s), proposed twinning
12 locations, motors, compressors, tank battery, separators and treaters, production ~~pit~~ *equipment*, transmission and
13 gathering pipelines and other accessory ~~equipment~~ *ancillary facilities* to be used during the drilling, maintenance
14 and operation of the proposed well. The site plan shall identify all proposed access ways, and storage facilities
15 associated with the well *site operations and production facilities* site depicted, and shall contain a description and
16 location of proposed landscaping, intended color of paint for storage tanks and other permanent structures, fencing
17 and berming for the site.

18 4-2. All existing physical features, including *water bodies*, drainage ways, floodplains, roads and rights-of-way within
19 1,000-foot *one half mile or greater of proposed well site operations and production site facilities*. The site plan
20 shall also depict existing subdivision boundaries, existing buildings or structures, property lines, public and private
21 utility easements of record and utility facilities and improvements within 400-foot *one half mile or greater of the*
22 *proposed well site operations or production site facilities*.

1 3. *Demonstration of compliance with applicable requirements and standards in §15.04.020.B.32 for oil and gas well*
2 *operations and facilities.*

3 ~~3.4. The Planning Director Development Services Manager may waive one or more of the items listed as submission~~
4 ~~requirements if they are not applicable given the location of the well site operations or production site facilities. (See~~
5 ~~§15.02.040.Q., "Submittal Requirements.") The Planning Director may also require from the Applicant any other~~
6 ~~reasonable and pertinent information related to the submission requirements deemed necessary for the review of the~~
7 ~~conditional use permit.~~